THE FOURTH DAY.

28th February, 1924.

The Assembly met at 11-30 A. M., on Thursday the 28th February, 1924.

Rao Bahadur Mr. R. Viraraghava Aiyangar B. A. & B. L., Officer in charge of the Administration, presided.

31. Difficulties experienced by the people in civil courts and remedies therefor.

Mr. Narayanaru Krishnaru (Member, Jenmi, Trivandrum) began by narrating a number of difficulties suffered by the litigant public in the matter of conducting civil suits. He adverted to (1) the defect in the present system of sending a copy of the plaint with its abstract to the defendant; (2) the failure to calculate interest on the decreed amount in spite of a contrary provision in the *Civil Courts' Guide*; (3) the marked inequality in the rates of prices of paddy as adopted in the courts for their guidance and as prevailing in the market; (4) the insufficiency of time allowed to the defendant to set up his defence; (5) irregularities in framing issues after filing the written statement; (6) unnecessary trouble to the parties owing to the inability of the court to examine all the witnesses, consequent upon its posting too many cases for a single day; (7) the desirability of introducing a system of receipts for the money paid to the subordinates of the court as the price of court-fee stamps, etc.; and (8) the irresponsibility of the subordinates dealing with valuable documents produced in court.

The Member next suggested that, as final hearing was an important item in the progress of a suit, full hearing notes might be ordered to be taken by the Munsiffs to help them in writing the judgment and to facilitate future reference by the Appellate Court. The rule laying down that a minimum of 40 suits per month should be disposed of was detrimental to public interests, as the judgments pronounced under such pressure were likely to be tainted with hastiness. The decree amount, court fee, etc., due to a party from the Court could be paid to the vakil only when the receipts produced by them bore also the signature of that party. The Member also criticised the misconduct of the amins who were entrusted with the execution of decrees, and finally urged the Government to remedy the existing evils in the administration of civil justice.

President's reply.—The High Court have written to the Government about the *Civil Courts' Guide* and the necessary orders will be issued in due course.

Again, certain matters have been pointedly raised yesterday with respect to the *Civil Courts' Guide*. For example, it was said that some of the rules were mutually contradictory. Rule No. 83 was objected to as being not very clear, and the provisions regarding the presentation of affidavits were dwelt upon as giving rise to many hardships. The High Court's attention will be invited to these.

The next point raised was with regard to the translation of these rules. The High Court have already arranged for the *Guide* being translated and special efforts will be put forth to publish the translation soon.

Mr. R. Raman Pillai.—The Government should undertake the publication.

President: Yes; we shall try to do so.

In regard to delay, there is delay everywhere in the decision of suits and in execution. It cannot be said that there is no foundation for this complaint. The suggestions made by the Member in connection with it are noted. A committee has been formed in British India to enquire into this matter and suggest remedies. It is better to await that report before any action is taken in the matter here.

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The subject relating to under-trial prisoners is proposed to be discussed at a conference this month and orders will issue thereafter. The rule requiring the production of encumbrance certificates is not in force now. In regard to the statement that the *nirak* rate is defective, the Government have already asked the Land Revenue Commissioner to see that the rates are prepared correctly. The High Court have recommended to the Government that copies of the Settlement Register, if applied for by the parties, may be granted from the Court itself to which the application is made. This will be arranged accordingly. In regard to the suggestion that a small fee may be levied for a certificate in respect of vakil's fee and for applications for striking cases off the file, I am afraid that those cannot be done under the existing law.

As regards the other points referred to, the difficulties are due to the defective application of the rules. These will be brought to the notice of the High Court for their early attention.

32. Establishment of Village Panchayat Courts throughout the State.

Mr. Uttuppu Chacko (Member, Muvattupuzha taluk) stated that in olden times the custom for the people of Travancore was to manage their local affairs through representative bodies. This system, he said, continued to be in vogue, until the recent policy of the Government absorbed all the administrative activities of those bodies in the central Government. But now the Government were slowly realising the advantages of local administration and the Panchayat was the local body to which they had entrusted the administration of civil justice in petty local suits. The benefit of such institutions, however, was enjoyed only by citizens of a few important towns, where even without them the people could resort to other civil courts. But the people of rural areas were living so far away from civil courts that their grievances could not be redressed, since they could not easily resort to distant courts. The Member, therefore, urged the necessity of adopting a scheme whereby Panchayat Courts could, as in British India and Cochin, be extended to all the villages of Travancore.

President's reply.—Government have no objection to the principle, but the increase in the number of Village Panchayat Courts can be made only gradually, after a full investigation of local needs.

33. Administration of civil and criminal justice.

Mr. C. S. Narayana Aiyar (Member, Municipal Council, Trivandrum) prefaced his representation on the administration of justice by saying that he regretted that the Dewan's Address did not deal with the administration of justice at sufficient length though that was one of the most important functions of Government. He said that corruption had become rampant in the Judicial Department and that the time had arrived for the High Court to set their face against it. He was of opinion that the recent reforms in the administration of criminal justice had brought about a state of declining efficiency as a result of the appointments of judicial officers being made on a communal basis. Again, inexperienced men ignorant of law and procedure were being appointed as Magistrates and they committed a large number of judicial blunders. He suggested that Magistrates should be appointed from among the practising members of the Bar as far as possible, and that the separation of magisterial and revenue functions should be effected as early as possible. Another obstacle in the way of the impartial administration of criminal justice was, the Member alleged, the dominating influence of the Police who overawed the Magistrates and who thought that their advancement depended on the good will of the District Superintendent of Police or even an Inspector. The practice of Head Constables conducting the prosecution of cases which they had to investigate was another evil which caused great hardship and suffering to under-trial prisoners. The Member also complained that, in their anxiety to keep down the file and send satisfactory returns, Magistrates resorted to the illegal practice of refusing to admit complaints presented to them and he instanced the First Class Magistrate's Court, Trivandrum, as one to the file of which the only ticket of admission was a police charge-sheet. He also complained that in that court the depositions of witnesses were not generally read

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